

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**  
**DISTRICT ONE JESSIE MEDLIN, PRESIDING**

**April 4, 2016**

**A. CALL TO ORDER**

The April 4, 2016 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Jessie Medlin, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff's Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Michael Lee	District 5
Sheriff Bill Rasco	Sheriff
Misty Heffner	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

**B. INVOCATION**

Sheriff Bill Rasco presented the invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. APPROVAL OF MARCH MINUTES**

Supervisor Medlin asked if everyone had read over the March minutes.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the March minutes as presented.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**E. CITIZENS REMARKS & PRESENTATIONS**

Supervisor Jessie Medlin asked if there was anyone present who wished to address the Board on items not on the agenda. No one came forward.

**F. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS**

Supervisor Jessie Medlin asked if there was anyone who wished to add or delete items to the Agenda.

- a. **Board Attorney Tony Nowak requested to add City of Olive Branch Agreement to Item J.3.b. Fire Protection Service Contracts (New, J.3.b.9.)**
- b. **County Administrator Vanessa Lynchard requested to add the following:**

**Office of Finance and Accounting – Budget Amendment Lunacy Court** (New, J.7.c.)

**Grant Administration – Approval to Accept Grant from Entergy for Earth Day** (New, J.8.e.)

**Advertise County Resources – Arkabutla Physically Challenged Hunt** (New, J.14.)

**Make Part of Minutes – Chancery Court Order for Public Defender for Lunacy Court** (New, J.15.)

**Request for Letter of Support – BNSF** (New, J.16.)

**Nolehole Creek Erosion at Pleasant Hill Road – NRCS Assistance, EWP** (New, J.17.)

**Update of Spring Clean Up** (New, J.18.)

**Office of Finance and Accounting – Late Bill for Election** (New, J.7.d.)

**Consideration of Potential Litigation – School District Tax Levy for Executive Session** (Executive, L.1.b.)

**Consideration of Potential Litigation – McKinney Code Violations for Executive Session** (Executive, L.1.c.)

**Consideration of EMS Personnel for Executive Session** (Executive, L.2.d.)

**c. Supervisor Lee Caldwell requested to add the following:**

**Letter of Support to Burlington Northern Regarding Railroad Crossing at Center Hill Road.** (New, J.20.)

**Update on Lake Delta Crest** (Old, H.5.)

**Discussion of Legislative Bill Dealing with Homestead Exemptions** (New, J.21.)

**d. Environmental Services Manager Ray Laughter asked the Board to Consider Cleaning Property at an Address on Fir Drive for Executive Session.**

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the agenda with the additions, deletions, and changes as set forth above.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**G. CONSENT AGENDA**

1. Publication of Board Proceedings
2. Department of Human Resources: Monthly Health Claims Report
3. Office of Finance & Accounting
  - a. Budget Amendments
  - b. Quarterly Budget Allocations
  - c. Inventory Dispositions: EMA & Sheriff's Department Final

4. Road Department
  - a. Road Report
  - b. Work Schedule
  - c. Road Bond Report
5. Establish as Part of the Formal Record and Enter into the Board's Minutes - Certificate of Inspection of Sheriff's Administration Building
6. Chancery Clerk Allowances
7. Contract Administration
  - a. Secon Laboratory Testing Services – Adult Drug Court – Auto Renew
  - b. Rayco Copier Maintenance – Chancery – Maintenance Agreement
8. Office of Procurement
  - a. Request Approval of Specs and to Solicit Bids for Chancery Land Records and Indexing System Software Bid #16-101-001
  - b. Request Approval of Mike Kennedy to sign requisitions for listed budget lines for Road Department

Director of Procurement and Administrative Services Pat McLeod handed out the new contract for Rayco, informing the Board that last year's copy was in their packet. Chancery Clerk Misty Heffner stated they kept the contract exactly like last year to give Chancery opportunity to get offices moved to see what their needs are. She stated that Rayco has loaned a new copier to the Chancery office to use until their decision is made. Mrs. Heffner said they have a great relationship with Rayco.

Supervisor Jessie Medlin questioned the budget amendment for Board of Supervisor travel. Mrs. Lynchard stated that the money was found within the budget and, with NACo and MAS this year, this line may need to increase a little more in the future.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to approve the Consent Agenda items and actions as set forth above.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**See Exhibit G**

## **H. OLD BUSINESS**

### **1. Homestead Exemption – Constance Howard**

Chancery Clerk Misty Heffner stated that on March 21, 2016 her office sent a letter to Constance Howard's daughter, Katherine Chapel, informing her she needed to bring in a copy of Mrs. Howard's death certificate with the address on it showing proof of residency in DeSoto County for Homestead Exemption. Mrs. Chapel brought the required documentation to the Chancery office on March 28, 2016.

Board Attorney Tony Nowak reminded the Board that Mrs. Chapel had until August 2016 to bring in proof of residency and, with this proof, the Board may vote to reinstate her Homestead Exemption. Mrs. Heffner stated the 2015 taxes have not been paid, and they cannot change the accrued interest, but her office will get a letter to the Tax Assessor and let them know that the Homestead Exemption has

been reinstated. Mrs. Heffner also reminded Mrs. Chapel that when the deed to the property is changed, she will have to come into the Tax Assessor’s office and re-file to keep her Homestead Exemption.

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion to approve the reinstatement of Homestead Exemption for Mrs. Constance Howard, including for 2015, based on the documentation approved by the Chancery Clerk.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit H.1.

**2. Board Attorney – E911 Equipment Purchase – Motorola Solutions**

E911 Coordinator James Powell informed the Board that he noticed payments to Motorola were not adding up to what the contract showed. He called to find out why the number was different and it was discovered that, when the contract was written, numbers were inversed and it made a difference of \$9,000.00. Mr. Powell stated that a purchase order has been filed for the correct amount and the contract needs to be amended. He further stated that the payments have been toward the correct amount.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the corrected contract and authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to prepare an addendum to the contract as necessary.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Mr. Powell stated he thought Motorola would prepare the addendum but he would call and be sure. Supervisor Gardner asked if this contract takes care of all the dispatch centers. Mr. Powell affirmed and added there were a couple of extra for the Sheriff’s Department.

See Exhibit H.2.

**3. Human Resources**

**a. Milliman Service Agreement – Authorize Board President Signature**

County Administrator Vanessa Lynchard informed the Board that there were some things in this contract that Mr. Nowak and Milliman’s attorneys have been working out. She stated this firm is contracted with Lipscomb & Pitts to look at where money for claims is being spent and ways to improve. She further stated Milliman is a consulting group whose expertise is in health care and they review claims processing for HIPAA compliance.

Supervisor Medlin stated that Lipscomb & Pitts pays them, and that fee is included in the County’s cost. He said the County will get better record keeping with their recommendations.

Mrs. Lynchard said the County was going in the wrong direction with some health care. This allows the County to manage the plans while affecting as few people as possible.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to accept the contract with Milliman and authorize the Board president to sign.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit H.3.a.

**b. Dental NCD – Authorize Board President Signature**

Human Resources Director Vickie Richmann stated this document outlines the Dental NCD with no changes from the original. She requested the Board to authorize the president to sign the document.

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve the Dental NCD and authorize the Board president to sign.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit H.3.b.

**4. Tripp Wells Contract**

Board Attorney stated he has met with Mr. Wells and gone over the contract. Mr. Wells signed the contract and he will bill the County on a monthly basis. Mr. Nowak reviewed the contract terms and stated this is the same form contract that the County has with various engineering firms.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the contract with Tripp Wells as presented by the Board Attorney.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

The Board discussed ongoing projects that Mr. Wells might start looking at. There was discussion regarding the cost of each project and if Mr. Wells should meet with Facilities Director Robert Jarman. Mr. Nowak informed the Board that the contract calls for a scope of work and cost to be brought to the Board for approval. Supervisor Gardner expressed concern that this would cause delays on projects. Mr. Jarman said it might at times, but if they plan ahead and Mr. Wells can look at the project right away, there should not be delays in getting information to the Board.

Mrs. Lynchard stated that the first time, the Board will have to approve a budget amendment so it will come back to them regardless. She also said the Board could expect a bit of a rough start until a process is established. Mrs. Lynchard also informed the Board that Mr. Wells wants to spend time with the architect on the front end of projects to try and eliminate re-draws.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to have Mr. Wells meet with Mrs. Lynchard and Mr. Jarman, and come back to the Board with a scope of work

and estimate.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>NO</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Supervisor Gardner said he felt like this process will cause delays.

**See Exhibit H.4.**

**5. Update on Lake Delta Crest**

Supervisor Lee Caldwell stated that Mr. Nowak had researched the HOA and the residents have come together better. She said that 7 or 8 people have come together and are hiring an attorney to research their options. Supervisor Caldwell said the sea wall has been replaced and they are hiring a contractor to repair the spillway. She stated that the Board may have to consider adding another culvert after meeting with them to handle the water at the road, but the Road Department hopes to open the road tomorrow. Supervisor Caldwell stated that she was very pleased with the progress the homeowners are making by moving forward.

**I. PUBLIC HEARING**

**1. 10:00 a.m. – Bridgetown Graded Fire District – Intent to Form**

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to open the public hearing to hear Bridgetown Graded Fire District Intent to Form.

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion to recess the public hearing to take care of another matter.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to open the public hearing to hear Bridgetown Graded Fire District Intent to Form.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Board Attorney Tony Nowak began the proceedings by stating this was the first of two public hearings. At this first hearing, the Board must make a determination of public convenience and necessity for a graded fire district. After the determination is made, the Board will adopt a resolution setting a no protest hearing on May 2, 2016, according to the state statute.

EMA Chief Bobby Storey and Deputy Chief Josh Harper informed the Board that they expect a large change in the fire rating for the Bridgetown District and it should mean a significant savings to the residents on their insurance premiums. Mr. Harper stated that Bridgetown will exceed the water requirements set by the State. He said they have large tanks and a good water supply.

Supervisor Medlin asked if there was anyone from the public who wished to speak against the formation of the Bridgetown Graded Fire District. No one came forward.

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion finding and determining a public notice was published as required by MS Code 19-5-221; and determining there is a public convenience and necessity for the formation of a graded fire district in the Bridgetown

area; and to set a second no protest public hearing on May 2, 2016 to adopt a resolution forming the Bridgetown Graded Fire District, as required by MS Code 19-5-223.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to close the public hearing regarding the formation of Bridgetown Graded Fire District.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit I.1.

**J. NEW BUSINESS**

**1. Veterans’ Park Donation Request**

Supervisor Lee Caldwell stated that all the information has not been gathered to bring this before the Board. Supervisor Bill Russell asked if they had gotten their 501K status. Supervisor Caldwell said the process is not completed and she stated they will come back before the Board when everything is complete.

No Board action was taken.

**2. Request Approval for Board Attorney to Review MOU with Mississippi Department of Public Safety for E-Citation Software**

Sheriff Bill Rasco stated they would like to request authorization for the Board Attorney to review the MOU with Mississippi Department of Public Safety.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to review the MOU with Mississippi Department of Public Safety for the Sheriff’s Department.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**3. EMA**

**a. State Mutual Aid Compact for Use During Emergencies**

Deputy Chief Josh Harper stated this is a renewal and nothing has changed. SMAC just changed their logo and the compact has a new look.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to accept the State Mutual Aid Compact for Use During Emergencies and authorize the Board President to sign.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.3.a.

**b. Fire Protection Service Contracts – Request Board President Signature**

**1) ACI, 2) Bridgetown, 3) Eudora, 4) Fairhaven, 5) Lewisburg, 6) Love, 7) Nesbit, 8) Walls, 9) City of Olive Branch**

Board Attorney Tony Nowak added 9) City of Olive Branch because they filed as a Municipal to take in Summers Hill Fire Department.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to accept the Fire Protection Service Contracts as listed above and authorize the Board President to sign.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.3.b.

**c. Fire/EMA – Award Presentation**

Deputy Chief Josh Harper informed the Board that the Mississippi Burn Foundation sponsors Heart for Heroes awards each year. Deputy Chief Harper nominated Chief Bobby Storey for the Heart for Heroes Fire Chief of the Year. Deputy Chief Harper stated that people tell him all the time about Chief Storey’s good qualities, his character, and how much they appreciate him. He nominated Chief Storey on behalf of the people of DeSoto County, and was recently notified that he was a finalist. Chief Storey was presented with the Fire Chief of the Year Finalist plaque by Deputy Chief Harper.

The Board expressed their appreciation to Chief Storey and the way he works with the Sheriff’s Department and all other County departments, as well as departments throughout the state. Chief Storey said the award means a lot. He stated he is proud of this County, the Board of Supervisors, all the Fire Departments, and the Sheriff’s Department.

Deputy Chief Harper stated that, by his calculations, this is Chief Storey’s 45<sup>th</sup> year with the fire service.

**4. Address Change Policy for DeSoto County E911**

E911 Coordinator James Powell stated that they have discovered a few addresses in the County that are not in line with the E911 ranging system. He stated that GIS came up with a draft policy and the E911 office thinks it looks great. Mr. Powell also presented an example letter that would be sent by certified mail to residents affected by any address changes.

Supervisor Gardner asked Mr. Powell when fire districts changed, were the changes noted automatically. Mr. Powell stated E911 would need to be informed in order to change the districts.

Supervisor Caldwell suggested that EMA do a self-audit and get current information to E911. Supervisor Russell asked how addresses were assigned. Mr. Powell stated that E911 approves street names and assigns ranges. GIS and Planning assign the names and specific numbers. He stated they



found these numbers because when phone, internet, or cable companies are called for service, they verify the address with the E911 database.

Supervisor Gardner suggested Mr. Powell contact the City Planners at all the municipalities and be sure everyone is working together properly.

Sheriff Rasco asked how his department could be sure what they have in dispatch matches with E911. Mr. Powell stated that if there is a discrepancy, he gets an email from the Sheriff’s Department. He also stated that some departments have places in their CAD system where dispatchers can change things and not go to E911. He said they do not encourage doing that.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to adopt the Address Change Policy for DeSoto County E911 and make it a part of the Board minutes.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.4.

**5. Request Authorization to Travel**  
**a. Association of Floodplain Managers (Natchez, MS) May 9-11, 2016**

Road Manager Andy Swims requested authorization to travel to Natchez, stating that every two years you have to be re-certified to be a floodplain manager. He said there are three certified floodplain managers in the County; himself, Scott Young, and Randy Williams. He said he would like to keep his certification if the Board approved.

Mrs. Lynchard stated when there are flooding issues in the County, and you have Randy, Scott, Andy and Bennie Hopkins in the same room; there is a lot of expertise and they serve the County well.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to authorize Mr. Swims to attend the Association of Floodplain Managers meeting in Natchez in May to be re-certified.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.5.a.

**b. MACAC Spring Workshop (Jackson, MS) April 26 & 27**

Mrs. Lynchard requested authorization to travel to Jackson for the MACAC Spring Workshop in Jackson. She stated this is an excellent workshop and she would like to attend this year.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to authorize Mrs. Lynchard to travel and to spend the night before the workshop if so desired.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>

Supervisor Bill Russell, Third District

Supervisor Lee Caldwell, Fourth District

Supervisor Michael Lee, Fifth District

YES

YES

YES

6. Office of Procurement

a. Request to Approve Bid Award for 2016 Hot Asphalt Overlay Bid Tab #16-156-015 and Approve Board President to Sign Contract

Procurement Coordinator Karen McNeil stated that the Office of Procurement had received 3 bids for the hot asphalt overlay, and Scott Young recommends awarding the bid to Lehman-Roberts as the lowest and best qualified bid at \$1,998,146.50. Mrs. McNeil also requested the Board approve the Board President to sign the contract with Lehman-Roberts.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to award the bid to Lehman-Roberts at \$1,998,146.50 as the lowest and best qualified bid from for Bid File #16-156-015 Hot Asphalt Overlay and authorize the Board President to sign the contract with Lehman-Roberts.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District

Supervisor Mark Gardner, Second District

Supervisor Bill Russell, Third District

Supervisor Lee Caldwell, Fourth District

Supervisor Michael Lee, Fifth District

YES

YES

YES

YES

YES

BID ITEM	QUANTITY (TONS)	Lehman-Roberts Company		APAC-Tennessee		Standard Construction			
		UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
Hot Mix Asphalt	24691	\$ 76.38	\$ 1,885,898.58	\$ 87.00	\$ 2,148,117.00	\$ 78.50	\$ 1,938,243.50		
Patching	244	\$ 165.55	\$ 40,394.20	\$ 290.00	\$ 70,760.00	\$ 146.00	\$ 35,624.00		
Milling	1164	\$ 61.73	\$ 71,853.72	\$ 65.00	\$ 75,660.00	\$ 33.50	\$ 38,994.00		
			\$ 1,998,146.50		\$ 2,294,537.00		\$ 2,012,861.50		
RECOMMENDATION: Scott Young recommends awarding Lehman-Roberts									

See Exhibit J.6.a.

b. Request to Approve Bid Tabulation for Proposal to Consolidate and Update the DeSoto County Zoning Ordinance – RFP # 16-107-001

Mrs. McNeil informed the Board that the Office of Procurement only had one response to this bid and that was from CMPDD for \$25,000.00. She informed the Board that Planning Director Bennie Hopkins was familiar with this company and was pleased with their performance.

Supervisor Russell asked if this was considered a rewrite of the Comprehensive Plan. Mr. Hopkins stated that it will update minor issues that the Planning Staff has found, while trying to add definitions and incorporating the I269 Corridor Study. He stated that the Comprehensive Plan was for 2004 – 2030 and it was still holding up pretty well. He said this is an update to the Zoning Ordinance only.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to award the bid to CMPDD as the lowest and best qualified bid at \$25,000.00 (and the only bid) to Consolidate and Update the DeSoto County Zoning Ordinance, RFP# 16-107-001.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District

Supervisor Mark Gardner, Second District

Supervisor Bill Russell, Third District

Supervisor Lee Caldwell, Fourth District

Supervisor Michael Lee, Fifth District

YES

YES

YES

YES

YES

Mr. Hopkins stated they will set a schedule and keep the Board informed. He also stated they will be

seeking input from the Supervisors and County staff. Mrs. Lynchard stated the Board will be interactive with the process. Mrs. McNeil informed the Board their participation was part of the RFP.

See Exhibit J.6.b.

**c. Request to Approve Bid Tabulation for Re-Bid County Depository. Bid #16-121-003**

Mrs. McNeil stated that the Office of Procurement had gotten great response to this bid. The recommendation of Procurement and Accounting is to keep all main deposit accounts with First Tennessee Bank, the present depository, and to recommend all banks submitting proposals qualified to keep County funds.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to award the bid for County Depository to First Tennessee for all the main deposit accounts as the lowest and best qualified bid, and to recognize all banks that submitted proposals be qualified to keep County funds.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.6.c.

**7. Office of Finance and Accounting**

**a. Inventory Dispositions – Sheriff’s Department - Preliminary**

Inventory Clerk Char McCool stated that 2 canines were retired and 1 was deceased (this disposition was presented as an exhibit on the Consent Agenda), and the cameras listed were broken and not repairable. Supervisor Caldwell asked if the dogs have been replaced. Sheriff Rasco said they have not.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve the Sheriff’s Department inventory dispositions as reported by Ms. McCool.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.7.a.

**b. Claims Docket**

Chief Financial Officer Andrea Freeze presented a page by page declaration of the Claims Docket. Accounting Office Manager Stephanie Hanks brought invoice documentation to address any questions.

**Supervisor Jessie Medlin asked about the following claims:**

Page 87 & 88 – Southaven still has not gotten this problem fixes. Mrs. Hanks stated that it could be a month and a half before it shows up.

Page 86 – Park water bill. Mr. Laughter stated someone left the water on.

Page 43 - \$52,775.90 Election Commissioners – Mr. Medlin asked who tells the Election Commission how many employees work an election. Election Commissioner Sissie Ferguson stated the Democratic

Committee and Republican Committee hire their own people and the County pays them. Supervisor Caldwell stated the County needed to set some guidelines. Mrs. Ferguson stated the law requires 3 Democratic poll workers, 3 Republican poll workers, and 1 Bailiff per precinct. She said some places do have more than the required number in place.

**Supervisor Mark Gardner asked about the following claims:**

Page 7 – L & T Services \$2007.50 – Will the insurance reimburse? Sheriff Rasco stated they did.  
Page 16 – Sportsman’s Warehouse - \$61.74 – Mr. Jarman stated this was for waders so his men do not have to drain the fountain every time they work on it.  
Page 17 – Woodson & Bozeman – Mr. Jarman stated this is four air conditioner compressors at Hernando Library. He said they will be getting one more.  
Page 48 – Bell Helicopter – Sheriff Rasco stated this is all parts.  
Page 51 – Intapol Ind. – Sheriff Rasco stated this is helmets with new radios for 6 motorcycle units.  
Page 55 – Erla 1,998.65 – Stretchers preventative – Mrs. Hanks said this was for preventative maintenance on ambulance stretchers. Mrs. Lynchard said she would look into this one because they had come once before without prior notice and done maintenance.  
Page 58 – District 3 Constable – Is he just now getting his uniforms. Mrs. Lynchard said this was for a 2<sup>nd</sup> set of uniforms. She stated they are allocated \$6844 for new constables, and \$5004 for returning. They have the flexibility to move their money around. She stated 2 constables have ordered additional accessories.  
Page 74 – MS Development Authority – Mrs. Freeze stated that is the monthly payment on CVB tourism. Mrs. Hanks said this is reimbursed through tourism tax.  
Page 76 – Division 10 Inc. – Mr. Jarman said this is for new bathroom partitions in the old ag building.  
Page 79 – Panola County – Mrs. Hanks said they settled double in error, so we are writing a check back to them.  
Page 84 – Baymont Pearl – Mrs. Lynchard stated she approved this travel for Chris Olsen.  
Page 91 – Tri State Truck - \$1345.81, \$3531.75, \$344.35, \$483.02 – Seems to be a lot of money and taxes were paid. Mr. Swims stated this was for a dump truck. He said they do a lot of business with Tri State and he is not sure they have every asked about waiving taxes. He said he would check with them. Supervisor Gardner asked what year truck. Mr. Swims said 2007.

**Supervisor Bill Russell asked about the following claims:**

Page 11 - \$660 – Freedom – Mr. Nowak stated that was for researching the law and sending an answer to the Freedom from Religion challenge on using churches for polling places. He said he has not heard back from them.

**Supervisor Lee Caldwell asked about the following claims:**

Page 2 – Lodging in Jackson \$751.96 – Mrs. Hanks said that was Washington, DC. She put all the lodging together for the month.  
Page 6 – Joey Treadway – Tanger Outlet - \$208.33 – Mrs. Freeze stated that is his portion of the tax. He gets a check once a month.  
Page 7 - \$2007.50 – L & T – Sheriff Rasco stated they brought a backhoe to get the containers off the hill where the tornado threw them so they could check the contents.  
Page 11 – Bumps and Ruts Zoning – What is the status of that? – Mr. Nowak said about 6-8 months maybe before the Supreme Court rules on it.  
Page 16 – C & C and Hernando Floor Covering– Where was carpet installed? - Mr. Jarman said in the courtrooms, planning, and tax assessor.  
Page 18 – Cspire Fiber - \$1900 – Mr. Mitchell stated this is the fiber between the buildings that is paid monthly.  
Page 37 – Ballots Absolute Print Solutions – Mrs. Ferguson stated that a Democratic candidate was 30 minutes late filing and they did not put his name on the ballot. He went over Circuit Court’s head to a judge and got authorized to be on the ballot. The judge ordered ballots to be printed and the County pay for it. Absentee ballots had been started, so they had to be handled as provisional. She stated the rush charge was to get the ballots in on time.

**Supervisor Michael Lee had no questions.**

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated,

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer except for ERLA on page 55 for \$1,998.65.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**c. Budget Amendment – Lunacy Court**

Mrs. Lynchard informed the Board that Mrs. Freeze and Chancery Clerk Misty Heffner have been looking very closely at the reason for the increase in the Lunacy Court fees. Attorney Jim Franks said there have been a lot more cases and the Board has approved Mr. Franks to handle those cases. Mrs. Lynchard recommended that the Board Attorney look at the remands from the cities and to check with other counties to see how they handle their Lunacy Court cases.

Supervisor Jessie Medlin made the motion and Supervisor Michael Lee seconded the motion to approve the budget amendment as presented by the Chief Financial Officer and authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to research the Lunacy Court increases and a possible solution.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**d. Late Bill for Elections**

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to authorize payment of the late items for \$2,000.00 each to John Beale and Danny Klein, Jr. as presented by the Chief Financial Officer.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.7.d.

**8. Grant Administration**

**a. NFusion Grant Update**

Pat Sylvester, NFusion Grant Liaison, said that things are moving quickly and they are beginning to see patients. Mrs. Sylvester stated they had just attended a conference in Las Vegas, Nevada that was required and paid for by the grant. She said the conference was excellent and they gained some very valuable information. She stated that she learned a lot regarding legalities and she was able to attend several mental health in-service sessions.

Supervisor Medlin and Supervisor asked how NFusion was finding patients. Mrs. Connie Stewart stated that they have just purchased the domain for their website and it is now up and running.

Nfusionivxp.com is the site name. She stated she has been meeting in the community and spent a lot of time in the school district and with the Youth Court judge last month. Mrs. Stewart further stated they have set up social media sites; Facebook, Twitter, and Instagram; and she is learning to utilize them for the program. She said they take references from individual families, schools, court, and private practices.

Supervisor Medlin asked how many patients they have now. Mrs. Stewart said they have only had 4 referrals this month, which they have found is typical for the first month; and they expect things to pick up each month. She stated they are also helping families that don't qualify to find services better suited to their needs.

Supervisor Medlin asked if the grant money was yearly or if it was adjusted according to patient numbers. Mrs. Sylvester stated it is a 4-year program. If the money is not spent, it is carried over to the next year.

Mrs. Lynchard stated that the design of the grant was to not see patients until March or April. She commended the Board on their selection of Mrs. Sylvester as the liaison between Region IV and the grant. She said Mrs. Sylvester is self-motivated enough to understand what she is doing and protect the County's interests. Mrs. Lynchard stated she appreciated Mrs. Sylvester's investment into this program.

Supervisor Russell brought up the CIT program at Baptist DeSoto that trains deputies to handle patients. The Sheriff stated he is working to get more deputies trained to get a CIT program going in the department. He stated they need 2 Board members to participate in meeting with the Sheriff's Office and Police Chiefs on a Crisis Intervention Team. Mrs. Sylvester stated this is a really good program, training officers who are at the first meeting to talk to someone who is having problems. She stated she is talking to Charlie Spearman trying to get some training in DeSoto County so people do not have to travel for this training. Supervisor Russell asked if the program was evidence based. Mrs. Stewart stated strategies that have been studied and practices show patients do show improvement.

**b. Request to Apply for FY17 Solid Waste Assistance Grant & Board President Sign**

Grant Administrator Tanner Kuntz explained this grant pays part of the salary of Brynn McCarver. He stated the grant is already in place, he is requesting to re-apply this year.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to authorize the application for FY17 Solid Waste Assistance Grant and authorize the Board President to sign.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**See Exhibit J.8.b.**

**c. Request to Apply for Innovations in American Government Grant**

Grant Administrator Tanner Kuntz informed the Board this grant is through Harvard University. The grant is designed so that the applicant submits a certain project that gets citizens involved. Mr. Kuntz stated if the application makes it through the first stage, the County will get publicity. If the application makes it through the second stage, there is a \$100,000.00 grant awarded to help other government agencies implement the same program. Mr. Kuntz said the areas chosen for the project are E911, GIS, and EMA who will participate in a joint project.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to authorize the application for the Innovations in American Government Grant.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.8.c.

**d. Request to Accept \$49,360 Waste Tire Grant and Board President Sign**

Mr. Kuntz stated this is a 15% increase over last year.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to accept the \$49,360 Waste Tire Grant and authorize the Board President to sign.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.8.d.

**e. Request to Accept Entergy Grant for Earth Day**

Mr. Kuntz informed the Board that Entergy has given \$2,000 in a grant for Earth Day advertising. He stated that the grant is flexible for advertising or prizes. Mrs. Lynchard stated that the grant has to be accepted and designated.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to use the previously approved \$1,000 from Advertising County Resources for advertising and split the Entergy grant as \$1,500 for prizes and \$500 for advertising.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**f. Addendum to Grant Administration/PIO Officer**

Supervisor Bill Russell stated that he has received information regarding Public Information Officer training on April 27<sup>th</sup> in Houston, MS. He stated the training is for emergency personnel who would be on the scene to be able to respond to the media. Supervisor Russell recommended Tanner Kuntz, Josh Harper, and a Sheriff’s Office representative be allowed to attend the free seminar. Mrs. Lynchard stated that is something that she can authorize. No Board action was required.

**9. Energy Project Update**

County Administrator Vanessa Lynchard stated that Board Attorney Tony Nowak has contracted with Jeff Gatlin with Thompson Engineering for professional oversight of the Siemens contract. She further stated they have met with Siemens and all agree they show a shortfall for 2015 of approximately \$30,000. Siemens will be refunding about \$120,000 for the past three years. There was a good bit of discussion among the Board and Facilities Manager Robert Jarman regarding the issues with the chiller system. Mr. Jarman said Siemens is assigning a project manager to DeSoto County and he thinks that

will help with issues that come up. He stated they are coming out this week to address the design issues and a new engineer has been assigned to the project. Mr. Jarman stated that the baseline the County had done was a valuable tool in holding Siemens to the rebates, and having Daikin and Siemens in the same meeting to discuss the chiller issues was also a positive thing. Mrs. Lynchard informed the Board that during the meeting, they found out the County was three stages behind in updating software. That update is the County’s responsibility.

**Facilities addendum:**  
**9.b. Sheriff’s Admin Building**

Facilities Manager Robert Jarman asked the Board to approve a budget amendment up to \$4,000 to sheetrock the Sheriff’s Admin Building and put a treatment on the outside brick.

Supervisor Mark Gardner made the motion and Supervisor Michael Lee seconded the motion to approve a budget amendment from ending cash up to \$4,000 to allow Facilities to treat the outside brick and sheetrock the front section of the Sheriff’s Admin Building.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Supervisor Mark Gardner made the motion and Supervisor Michael Lee seconded the motion to reject all bids to re-brick the Sheriff’s Admin Building, Bid file #16-315-001.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**See Exhibit J.9.b.**

**10. Road Department**

**a. Finding of Fact – 8535 Byhalia Road**

Road Manager Andy Swims stated there is a long stretch of drainage (apx. 1000 feet) coming from the east into a 12 inch culvert. This has also resulted in frequent flooding on the public road and damaging erosion that threatens to affect the public road adversely affecting the health, safety and welfare of the citizens of DeSoto County in accordance with MS Code 19-5-92.1. He further stated the Road Department has cleaned out this culvert numerous times, and a larger culvert is needed to prevent the clogging up and resulting flooding and erosion. The estimated cost is \$2,463.30.

Supervisor Michael Lee made the motion and Supervisor Lee Caldwell seconded the motion to authorize the work at 8535 Byhalia Road at an estimated cost of \$2,463.30; finding that the frequent flooding on the public road and damaging erosion threatens to affect the public road adversely affecting the health, safety and welfare of the citizens of DeSoto County in accordance with MS Code 19-5-92.1 and is damaging the integrity of the road.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>



Supervisor Michael Lee, Fifth District YES

See Exhibit J.10.a.

**b. Finding of Fact – Nail Road – Behind Northern Maintenance Shop**

Road Manager Andy Swims stated that a beaver dam has caused flooding on County property at the Northern Maintenance Shop. The landowner has trapped 12-14 beaver and the Northern Superintendent Tim Cleveland has requested authorization to remove the beaver dam and clean out the ditch that caused the flooding so as to protect County property from further flooding and damage.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to authorize the work removing the beaver dam and cleaning out the ditch on private property behind the Northern Maintenance shop on Nail Road at an estimated cost of \$309.00; finding that the frequent flooding on the County property is damaging to the County’s property.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.10.b.

**c. Finding of Fact – 706 Fogg Road North, Nesbit**

Road Manager Andy Swims stated that a tree on a private drive is collapsing a large culvert that takes water to a cross drain under Fogg Road. He further stated the water is building up at this culvert and causing flooding every time there is a significant amount of rain. This flooding is causing damage to the public road and the private drive where the culvert meets the cross drain. Mr. Swims is requesting authority to replace the culvert and clean out the ditch area on private property citing the situation that causes the flooding adversely affects the public road and the health, safety and welfare of the citizens of DeSoto County in accordance with MS Code 19-5-92.1. The approximate cost of this project is \$6,538.00.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to authorize the work on private property at 706 Fogg Rd. North; finding that the frequent flooding due to the collapsed culvert and resulting erosion adversely affects the public road and health, safety and welfare of the citizens of DeSoto County in accordance with MS Code 19-5-92.1, and to protect the road from further damage.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Supervisor Medlin asked if the property owner would be willing to allow some of the pine trees to be removed. Supervisor Caldwell said she thinks he will as this has been a real issue. She said she will talk to the landowner about that.

See Exhibit J.10.c.

**d. Proposed Dump Sites for Excavated Materials**

Road Manager Andy Swims reminded the Board that he had previously asked for permission to dump excavated materials on private property that was much closer than one of the rubbish pits. His

department has made a list of other sites around the County that would be very beneficial, especially in the southern part of the County. Mr. Swims stated this will save the County money by reducing hauling distances, and noted that the material is of no value to the County as it cannot be used for anything.

Board Attorney Tony Nowak stated that landowners will need to sign a consent form releasing the County from damages to private property. Mr. Swims said they have some, but they will not go onto private property without a signed consent form on file.

Supervisor Gardner stated he was concerned with the public perception of dumping excavated materials on private property.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the list of dump sites; hauling off of materials that the County had no use for and that it was in the best interest of the County not to store for future use; have a signed consent form on file for each site; and add Hernando Saddle Club to the list.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>NO</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.10.d.

**e. Damages to Private Property – 8245 Boggan Lane**

Road Manager Andy Swims stated that a neighbor to the Southern Maintenance Shop has complained that run-off from the County maintenance shop has filled in his ditch over time by changes made to the property. Superintendent Rodney Daniels said the neighbor has a legitimate complaint. A berm has been constructed to keep the materials from washing onto the property, but his ditch has silted in from years prior. Mr. Swims is requesting a temporary construction easement and to clean out the ditch that has filled in.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to clean out the ditch that has filled in due to materials washing from the Southern Maintenance Shop onto a neighbor’s property, based upon a finding that the County’s operations has caused the damage to the property; and that the work not be performed until the property owner has signed a temporary easement allowing the County to perform the work.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.10.e.

**f. Neel-Schaffer Stormwater PHII Program Renewal and Implementation Phase for Years 1 through 5 – Request Board President Signature**

County Administrator Vanessa Lynchard stated that new stormwater regulations are a little more stringent than they used to be. She stated that Scott Young has looked at the contract and felt it was reasonable and good. She said the cities have also approved it.

Supervisor Russell questioned the 2.8 times the hourly rate. Mr. Swims stated that is a multiplier for overhead costs and it is customary. Mrs. Lynchard said it is in every architect’s contract also. Mr. Young stated you can get an hourly rate scale, but it is usually higher. He stated this contract has a cap.

The previous contract also had a cap, and this is about a \$1,400 increases. Mr. Young also informed the Board that in the future MDEQ will be requesting some ordinance be passed.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve the contract with Neel-Schaffer as presented and authorize the Board President to sign.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>NO</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

Supervisor Russell said he was against the terms of the billing. Mr. Young informed the Board that Neel-Schaffer only billed 95% on the last contract, and they do have to justify their billing.

See Exhibit J.10.f.

11. Contract Administration

a. I.T. – Finding of Fact for PrePayment – Computhink, Inc/Contentverse

Director of Procurement and Administrative Services Pat McLeod informed the Board this contract is for scanning software that is used by several departments. The finding of fact is the County has done business with Computhink, Inc. for 3 years, there is a necessary and immediate benefit to the County, and the vendor has the ability to perform.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to approve the prepayment to Computhink, Inc/Contentverse finding that the County has done business with them for 3 years, there is a necessary and immediate benefit to the County, and the vendor has the proven ability to perform.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.11.a.

b. I.T. – Finding of Fact for PrePayment - Unidesk

Director of Procurement and Administrative Services Pat McLeod informed the Board this contract is for licensing and maintenance for multiple departments. The finding of fact is the County has done business with Unidesk, Inc. in the past, there is a necessary and immediate benefit to the County, and the vendor has the ability to perform.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to approve the prepayment to Unidesk finding that the County has done business with them in the past, there is a necessary and immediate benefit to the County, and the vendor has the proven ability to perform.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>

Supervisor Michael Lee, Fifth District YES

See Exhibit J.11.b.

**12. Insurance Claims Policy**

County Administrator Vanessa Lynchard informed the Board that the County is in need of a policy to manage insurance claims better. She stated that some claims are going directly to Travelers, some to SouthGroup, and some to Reby Johnson.

Mrs. Lynchard said the policy states that all claims will go through Risk Manager Reby Johnson. Small things like rock pecks or very minor damages may be sent in a quarterly report to Ms. Johnson. Another facet of the policy will be sure the cost of repairs is the same as the cost of claims. Mrs. Lynchard stated that the County has to manage insurance claims to manage the cost of the policy.

Supervisor Mark Gardner made the motion and Supervisor Michael Lee seconded the motion to take the Insurance Claims Processing Policy under advisement and authorize the firm of Smith, Phillips, Mitchell, Scott and Nowak to review the policy and make recommendations as needed.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>ABSENT</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.12.

**13. 2:00 p.m. – Property & Casualty Insurance Renewal**

Rex Haynes and Danita Chambers of SouthGroup Insurance came to present some history to the Board. Mrs. Lynchard informed the Board that they have saved the taxpayers money by not going out for bid on the insurance.

Mr. Haynes said he appreciated the Board’s confidence in going with his recommendation to go with the good relationship that the County has with Travelers and not shop the marketplace this year. He stated he did need to find out about the Sheriff’s firing range being insured. The Sheriff stated there is nothing there to insure. They have only got some portable targets set up to be able to qualify.

Mr. Haynes pointed out that the Board’s decision to not renew with Gallagher Co. was reflected in the spreadsheet. He stated that Travelers came in at \$777,324 and that includes the Sheriff’s Admin Building. Supervisor Jessie Medlin asked when this will take effect. Mr. Haynes said May, 27, 2016. Supervisor Medlin told the Board that he remembered one year when there was not a company that really wanted to quote this insurance and he thanks Mr. Haynes for his company’s diligence in getting a good price.

Supervisor Bill Russell made the motion and Supervisor Michael Lee seconded the motion to accept the quote from Travelers Insurance for liability insurance as presented by Mr. Rex Haynes of SouthGroup Insurance.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.13.

**14. Advertise County Resources – Arkabutla Physically Challenged Hunt**

Supervisor Michael Lee reminded the Board that last year they gave \$1,000.00 to this event. Supervisor Lee stated he has talked to the President of the Arkabutla Physically Challenged Hunt and he recommends giving them \$500.00 this year out of Advertising County Resources.

Supervisor Michael Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve an allocation from Advertising County Resources of \$500 to the Arkabutla Physically Challenged Hunt; after having determined that the request to advertise county resources met the guidelines of the policy adopted by the Board of Supervisors, in accordance with Section 17-3-3 of the Mississippi Code of 1972, the Board of Supervisor did make a determination that the above request would advertise the resources and possibilities of DeSoto County and thereby advance the moral, financial and other interests of DeSoto County.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.14.

**15. Make Part of the Minutes – Chancery Court Order for Public Defender for Lunacy Court**

County Administrator Vanessa Lynchard stated that she always presents a judicial order to request it be made a part of the minutes. She stated that she had found the Lunacy Court Public Defender, Nancy Maddox was getting paid more than the Board voted to allow. Upon the finding of this information, Mrs. Lynchard stopped the \$500 per month office allowance to Ms. Maddox. She stated that the current order restores Ms. Maddox to what she has made for the last nine years. Ms. Maddox has only received the increases that county employees received.

Supervisor Bill Russell asked if it was legal for Ms. Maddox to keep the money for office allowance she had been receiving. Mrs. Lynchard stated that money was in the budget. Supervisor Russell and Board Attorney Tony Nowak stated the office allowance that was withheld should be reimbursed to Ms. Maddox. Mr. Nowak noted that the Board had previously approved the office allowance as Ms. Maddox is a public defender, and that the Board had the authority to approve an office allowance.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to pay back the office allowance for the months Ms. Maddox was not paid, and approve the Chancery Court Order for Lunacy Court Public Defender and make it a part of the Board minutes.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.15.

**16. Request for Letter of Support – BNSF**

Mrs. Lynchard gave out a copy of a letter of support to BNSF and said Jim Flanagan of the DeSoto County Economic Development Council as well as Mr. Tracy Huffman of Waggoner Engineering have looked at and approved the letter. She stated that Mr. Michael Garrigia would like the letter sent to his attention.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to

authorize the Board President to sign the letter of support from the Board of Supervisors to BNSF.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.16.

**17. Nolehole Creek Erosion at Pleasant Hill Road – NRCS Assistance, EWP**

Supervisor Mark Gardner asked if this project will interfere with the current Corps of Engineer project in this area. Mr. Scott Young stated that NRCS is asking for sites that might apply for emergency status. He stated this area is east of Pleasant Hill by Wedgewood.

Supervisor Medlin said Mr. Bill Austin, DCRUA Director, asked the Board to sponsor this request and DCRUA will pay the matching funds.

Supervisor Russell asked if the Board support would put this project before County projects. Mr. Young stated that all projects have to meet certain criteria. He said he has been dealing with a new engineer in making recommendations, and she may look at things differently. Mr. Young stated that the Board’s input is important to NRCS, and DCRUA has not gotten funding for previous projects that have been approved. Road Manager Andy Swims said, all things being equal, they might look at this project a little more with Board support.

Supervisor Caldwell asked if this would imply this project is the most important one. Mr. Swims said it would, but that is a good thing.

Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to authorize Mr. Swims to write a letter of support to NRCS recommending DCRUA’s request at Nolehole Creek.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.17

**18. Update of Spring Clean Up**

Environmental Services Manager Ray Laughter informed the Board that Spring Clean-up went very well. He said they got a couple of reports from teams that they did not know were working, and 8 more teams are scheduled to do some clean-up this week.

Mr. Laughter thanked the Sheriff for his department’s support, thanked the municipalities, and stated the Board was well represented also. He said all the dumpsters were very close to being full. Mr. Laughter thanked the Board for their vision in making DeSoto County litter-free. He said he had many comments from people who observed teams out cleaning and commended them for their effort.

Mr. Laughter gave special recognition to the Southaven High School Environmentalist Club as being the biggest group and filling up the back of a truck with just recyclables.

Supervisor Russell stated his team did the same area as last year, and it was much cleaner. He said the public needs to be congratulated and commended for their effort. Supervisor Russell asked Mr.

Laughter to check on the feasibility of buying an ad in the newspaper for a thank you and to post pictures if there was money left for that.

Supervisor Caldwell stated if people will get their pictures sent in, Mr. Kuntz will get them on the County’s website. Supervisor Medlin asked if the dumpsters will be out for another week. Mr. Laughter affirmed.

**19. House Bill #365 Regarding Homestead Exemption**

Supervisor Lee Caldwell stated that she would like the Board to write a letter to the DeSoto County Senators stating DeSoto County is not in support of this bill. Supervisor Caldwell stated this bill freezes the property assessment and could cost the County a lot of money. Chancery Clerk Misty Heffner stated it would affect a lot of people. She stated that property values will not go up and improvements to properties will not count.

Supervisor Lee Caldwell made the motion and Supervisor Mark Gardner seconded the motion to authorize County Administrator Vanessa Lynchard to write a letter asking DeSoto County Senators not to support House Bill #365.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

See Exhibit J.19

**20. Letter of Support for Railroad Crossing at Center Hill**

Supervisor Jessie Medlin stated he had spoken to Burlington Northern and they had promised they would fix the Center Hill crossing while they had the rail closed. He said there is a concrete section missing at the crossing and it is very bad.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to have Andy Swims write and send a letter of support to the Board to Burlington Northern Railroad regarding the repair of the crossing at Center Hill.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**K. PLANNING COMMISSION**

**1. PUBLIC HEARING**

**a. Zoning Ordinance Amendment**

- i. Zoning Map Update - The Board of Supervisors will consider adopting an update to the DeSoto County Zoning Map to include all Rezoning applications approved by the Board of Supervisors in the year 2015.**

Supervisor Caldwell made the motion and Supervisor Gardner seconded the motion to go into the Zoning Map Update Public Hearing advertised for this day.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>ABSENT</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

Mr. Hopkins presented the rezoning applications approved in 2015 and asked that the Board adopt the updated 2015 DeSoto County Zoning Map.

Supervisor Lee asked if the Watson Place application was approved as a PUD. Ms. Hendricks stated Watson Place development was approved for rezoning to a PUD, but it does not have a commercial section; it only has mixed residential.

Supervisor Lee asked if there was anyone to speak for or against this application. There was no one.

Supervisor Caldwell made a motion to adopt the 2015 DeSoto County Zoning Map as presented. Supervisor Gardner seconded the motion.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>ABSENT</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

Supervisor Russell made the motion and Supervisor Lee seconded the motion to close the Public Hearing.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>ABSENT</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

- ii. Application Deadline Gravel Pits and Mobile Homes in A-R Zone – The Board of Supervisors will consider extending the deadline for applications for Gravel Pits and Mobile Homes in the Agricultural-Residential Zone to December 31, 2016.**

Supervisor Caldwell made the motion and Supervisor Lee seconded the motion to go into the Public Hearing for extending the application deadline for Gravel Pits and Mobile Homes in the A-R zone advertised for this day.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>YES</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

Mr. Hopkins presented the request to extend the deadline for applications for Gravel Pits and Mobile Homes in the Agricultural-Residential Zone to December 31, 2016.



Supervisor Russell asked if mobile homes have to be a hardship to be considered for a Conditional Use in the "A-R" zone. Mr. Hopkins stated the ordinance does require a mobile home application in the "A-R" zone have a legitimate hardship to be considered for a Conditional Use.

Supervisor Medlin asked if the request for extension of the deadline for mobile homes and gravel mining are usually heard in January. Mr. Hopkins stated the deadlines have historically been extended early each calendar year, and that moving forward staff plans to take the approach to have the extension request reviewed at the end of the year. There was discussion of the amount of the county that is zoned "A-R." Approximately 52,000 acres and that a large amount of those acres are still used for planting crops. Mr. Hopkins stated the majority of the unincorporated County is zoned "A" or "A-R". Mr. Hopkins then stated that if someone makes a request for a gravel pit conditional use in the "A" or the "A-R" the Board of Adjustment will investigate all aspects of the application giving regard to traffic, fire hazard, adverse effects generated on the neighborhood and overtaxing utilities. The Board of Adjustment looks at each application on a case by case basis. Supervisor Gardner asked how many Conditional Uses for gravel mines have been issued by previous Boards in the "A-R" zone. Staff stated 1 new gravel pit and 4-5 extensions have been approved in the past 8 years, but would need to research to get information of any other approvals earlier than that. Supervisor Caldwell stated the City of Southaven recently approved a gravel pit within the city limits in the "A" zone.

Supervisor Medlin asked if there was anyone to speak for or against this item. He stated that there will be a 3 minute time limit for each person who wishes to speak and for each speaker to try not to repeat another person who has already spoken. He then reminded the audience that today's hearing is about the Sunset clause and not any particular gravel pit.

Larry Taylor - 9830 Bethel Rd., OB – provided copy of remarks and asked that they be included in minutes. He stated it is difficult to find a place for gravel mines that would be compatible in AR zone. He then stated there is increased development coming in around schools that have gone in. He stated there is a need for gravel and need for a local source, but not surrounded by residential, it is time to push that out into agricultural area and away from subdivisions.

JD Cox 2727 - Lorena Cove – came forward and is concerned with the following:

- Ordinance has not been changed in 30 years and there have been changes in county in 30 years. Change in sunset clause is warranted.
- Public safety
- Damage to roads

Rick DeStefanis - 5835 Fir Dr. - came forward and has the following concerns:

- That even though the I69 corridor has major exchange at 305 and runs directly north into OB there is not a plan to widen 305.
- 9 major trucking operations in OB now serving large area. Approval of mining operation in that area would increase truck traffic in the area. Trucks will arrive at 6:30 a.m. the time of day school buses are running. The hilly part of 305 is not a good place to enter highway.
- High density populations will not mix well with that type operation.

Norman Scott - 1803 Wood Lane Dr. - came forward and stated he represent Carter Plantation subdivision and agrees 100% with previous speakers.

Keith Parker - 10100 Lazy Creek Drive – came forward and stated let the sun set on this, there is no reason to have gravel mining in AR areas. He stated gravel mining produces crystalline silica which are micro particles and the wind can blow them up to 30 miles. He stated they are hazardous to your health and OSHA says they are the main problem of work force, and are cancer causing. They are classified as lung carcinogenic and produce scar tissue. He stated they are a health issue and should keep gravel mining away from area residents.

Ronnie Hawk - 9446 Bethel Rd. – came forward and stated he agrees with everything previously stated and ask the Board to try to put yourself in their shoes, if you were living next door to where a gravel mine was going in, how it would affect your vote. He stated he is concerned the road is not rated to carry the load that gravel trucks will be carrying.

Letitia Pierce - 3522 Fir Dr. – stated she is in agreement with the previous speakers. She then stated as a governing board of DeSoto County, think it would be proactive, expedient, and necessary to enact a law that would prohibit these type operations in a residential area; a law that says mining &/or negative operation cannot be within a certain distance of a residential area.

Shelia Hirsberg - 10625 Lazy Creek Dr – asked the Board to ask yourself what good gravel mining can come from being in a residential area. She stated it doesn't bring a lot of jobs, just benefits the people who are actually doing the mining

Michael Young - 3866 Mitchell's Corner Rd. - came forward and stated he is the President of the homeowners association for Mitchell's Corner sub and is in full agreement with the rest of the speakers.

Robert Fletcher - 9068 Bethel Rd. – came forward and stated he counted about fifteen 18 wheelers on that road. He then stated if you vote in a gravel pit, Desoto County does not follow up on anything. He stated Animal Control does nothing and Code Enforcement is obnoxious about complaints. He then stated he is in agreement with all the previous speakers. He stated a gravel pit will have to be thought out. Mr. Fletcher stated he knows of one incident where someone who got a mobile home and was told that after 5 yrs. of hardship, the mobile home would be gone and it has been there 15 years. Who follows up on these ordinances, there's no follow thru at all. Supervisor Medlin asked the speaker to give Mrs. Lynchard his name and we will follow up on your issues. Mrs. Lynchard stated this is surprising information to us.

Ethel Givens - corner of bethel Rd & 305 – came forward and stated they do not need more traffic in this area.

Charlie Jackson - 9378 Broadway – came forward and stated the new hospital is on Bethel Road and the quickest way from the south to the hospital is the road they want to run gravel trucks on. The traffic on that road to the hospital needs to be considered.

Jeanne Melton - 10143 Cypress knee Dr. – came forward and stated she heard that this ordinance had been renewed in 2015 but looked at the current ordinance, reading part about AR zone specifically Article 2 says it was last renewed Dec 2014. She stated DeSoto County has changed. Why should there be a hurry, take time today to look at the zones and areas and say we don't want to keep wording that is not applicable anymore. She stated she would also like to point out that gravel mining operations are poor profit/benefit businesses and maybe do a study to show the benefit to the County.

Supervisor Medlin stated the deadline was updated last year by the Board but was not updated online due to staff turnover in the Planning Office.

Trish Shopin - 902 Shadow View – came forward and stated she agrees with the previous speakers. She stated she is concerned with the aesthetics of having an operation of this type in our neighborhood. She stated you don't want to look out your window and see barren, dust, stripping of land.

David Minor - 9850 Woolsey Rd – came forward and stated he has lived in the area since 1978. He stated if you don't extend the sunset law, then we don't have to talk about mining. He then stated there's a lot of places in the county they can put a mine. He is concerned they will lose property value.

Supervisor Russell made the motion and Supervisor Caldwell seconded the motion to close the Public Hearing.

#### **THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>YES</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

Supervisor Medlin stated he got the emails and call but is not going to aim at one gravel pit at this meeting, since the only matter being address is the extension of the “sunset” deadline. He stated some things that have been talked about are schools. He then stated he has grandchildren in schools, live in neighborhood with some of you. Supervisor Medlin stated that this is his 25<sup>th</sup> yr. on the Board, they have accomplished things he has been proud of, and done some things would like to have done different. He stated they turned down a gravel pit on Woolsey Rd a few years ago. He then stated there are areas in DeSoto County zoned AR that are not as highly populated. Supervisor Medlin stated gravel has to be mined where gravel is. He stated he would hate to shut out a gravel mine operation anywhere in this county in AR zoning and mobile homes under this sunset law. We have been able to help a lot of people that did not have to put someone in a nursing home. He then stated we are here to help people. Supervisor Medlin stated each gravel pit is on its own merit and that the members of the Board of Adjustment live in these communities too. We have a tough decision to make.

Supervisor Gardner stated he heard the concerns of the citizens and understands these concerns. He then stated we have watched DeSoto County grow and develop, some of these areas were gravel pits, and look at how things have evolved. He stated he understands the concern because of growth and the difference in the area.

Supervisor Caldwell complimented the citizens on coming together as a community and communicating with the Board their concerns. She stated she appreciates the emails and phone calls. Supervisor Caldwell stated the matter at hand affects the entire County; it’s not just about one area. We have to make a decision on the County as a whole. Supervisor Medlin stated that if and when a pit is applied for, all within ¼ mile will get a notice in the mail, it is a courtesy that the County does. It is required that notice be published in the newspaper. He then stated that for rezoning applications, the Board makes the applicant put up the big red signs and staff sends out postcard notices as a courtesy, the law states notification must be ran in the newspaper, but we try to go above and beyond. We have nothing to hide.

Supervisor Caldwell stated one of the gravel pits in her district was across the road from her for 18 years, so we do understand.

Supervisor Russell stated Supervisor Medlin made a good point about what the benefits are of gravel pits. He then gave an example from personal experience. He stated he needed a particular type of gravel personally and could not get it in DeSoto County, and had to haul it from Memphis and cost over \$200. He then stated the Board tries to protect taxpayers’ interest, and are charged with being good stewards of taxpayers’ money. Supervisor Russell stated he doesn’t feel it’s proper to let gravel pits in AR zoning at large, and if we take this clause out and say gravel pits are only allowed as conditional use in "A" zoning someone can request that zoning be changed at any time. He then suggested mobile home wording stay the same, would like to change wording to only allow gravel pits in A zoning.

Supervisor Russell made a Motion to extend the deadline of the Sunset Provision as it pertains to Mobile homes only and to change the wording to only include gravel pits in the “A” Agricultural zone. Mr. Nowak stated the advertisement for this public was only for the purpose of extending the sunset deadline, and did not provide notice of amending the permitted conditional uses, and if the Board wishes to change the zoning ordinance regarding permitted conditional uses they will need to republish the public notice.

Supervisor Russell made a Motion to republish the advertisement for a Public Hearing to change the zoning to only allow gravel pits to be considered in the “A” Agricultural zone.

Supervisor Gardner stated many good points were made by the public today. He then stated the County enacts laws for safety all the time. We are a fast growing county and a lot of roads being built. Our job is for smart growth. He stated his concern is about land use rights, if someone owns a piece of land they have a right to do what they want within reason. If it is not out of character, illegal, immoral they should be allowed to do what they want. He then stated what the public is asking them to do would tie their hands and not let them put what they need in other areas. Supervisor Gardner stated he is OK with seeing where pits currently are and where they need to be in the future, but he is concerned with tying their hands to help someone else in another area. He stated they have to listen to both sides.

There was discussion of gathering some information of concerning gravel pits and conditional uses approved in the past as far their zoning is concerned. There was discussion as to whether gravel pits with existing Conditional Uses would be allowed to continue if the Sunset Provision is not extended.

Supervisor Russell withdrew his Motion and Supervisor Gardner withdrew his second.

Supervisor Russell made a Motion to continue the public hearing until Thursday April 7, 2016 at 2:00 p.m. to allow the Board to gather additional information and further consider the matter. Supervisor Caldwell seconded the Motion.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>YES</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

**1. CONSENT**

**a. Minor Lot**

- i. Haven Minor Lot, 2<sup>nd</sup> Revision (7043) - Application is for approval of Final Subdivision of one (1) lot of 1.41 acre(s), and three (3) lots of 1.50 acre(s) each, property identified as Parcel #2-06-6-23-02-0-00004-00. Subject property is located on the north side of Evening Shade Drive and south of Woolsey Road in Section 23, Township 2, Range 6 and is zoned Agricultural-Residential (A-R) (District 1)  
Applicant: Stone brook Homes**

Mr. Hopkins presented the Haven Minor Lot, 2<sup>nd</sup> Revision.

Supervisor Caldwell made the motion and Supervisor Russell seconded the motion to approve the Haven Minor Lot, 2<sup>nd</sup> Revision.

**THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:**

<b>FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN</b>	<b>ABSENT</b>
<b>SECOND DISTRICT SUPERVISOR, MARK GARDNER</b>	<b>YES</b>
<b>THIRD DISTRICT SUPERVISOR, BILL RUSSELL</b>	<b>YES</b>
<b>FOURTH DISTRICT SUPERVISOR, LEE CALDWELL</b>	<b>YES</b>
<b>FIFTH DISTRICT SUPERVISOR, MICHAEL LEE</b>	<b>YES</b>

- ii. Steal Minor Lot (7050) - Application is for approval of Final Subdivision of one (1) lot of 6.97 acre(s) and one (1) lot of 3.00 acre(s), property identified as Parcel #3-08-9-30-00-0-00010-01 and Parcel #3-08-9-30-00-0-00010-00. Subject property is located on the**

north side of Fog Road and east of Davis Lane in Section 30, Township 3, Range 8 and is zoned Agricultural (A) (District 5)  
Applicant: Karen Locklear

Mr. Hopkins presented the Steal Minor Lot.

Supervisor Lee made the motion and Supervisor Caldwell seconded the motion to approve the Steal Minor Lot.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	ABSENT
SECOND DISTRICT SUPERVISOR, MARK GARDNER	YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	YES
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	YES
FIFTH DISTRICT SUPERVISOR, MICHAEL LEE	YES

iii. **M. E. Bolin Minor Lot (7051) - Application is for approval of Final Subdivision of one (1) lot of 1.00 acre(s), property identified as Parcel #3-07-8-27-00-0-00001-00. Subject property is located on the southwest corner of Bolin Road and Malone Road in Section 23, Township 3, Range 7 and is zoned Agricultural (A) (District 5) Applicant: Ronald Anderson**

Mr. Hopkins presented the M.E. Bolin Minor Lot.

Supervisor Lee made the motion and Supervisor Caldwell seconded the motion to approve the M.E. Bolin Minor Lot.

THE FOLLOWING ACTION WAS TAKEN ON THIS MATTER:

FIRST DISTRICT SUPERVISOR, JESSIE MEDLIN	ABSENT
SECOND DISTRICT SUPERVISOR, MARK GARDNER	YES
THIRD DISTRICT SUPERVISOR, BILL RUSSELL	YES
FOURTH DISTRICT SUPERVISOR, LEE CALDWELL	YES
FIFTH DISTRICT SUPERVISOR, MICHAEL LEE	YES

See Exhibit K

Addendum:

**MDOT Land on Highway 301**

Supervisor Bill Russell asked if there was an update on the MDOT donations of approximately 22 acres along Highway 301. Supervisor Caldwell stated that the Transportation Committee had discussed it and wondered if MDOT could deed the land back to the County and the County sell it to the citizens. The committee would like the Board to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to look into how to get the land back to the citizens.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to authorize the firm of Smith, Phillips, Mitchell, Scott & Nowak to look into how to get the land along Highway 301 from MDOT and back to the citizens.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

**Location of Gravel Pits**

Supervisor Russell also asked Mr. Swims to get with the Planning Commission and determine where all the existing gravel pits are in the County and get the Board a map showing the sites.

**Tripp Wells Contract**

Supervisor Mark Gardner stated he would like to get cost information from Tripp Wells by the Thursday, April 7<sup>th</sup> meeting and not wait 2 weeks. He stated he felt two weeks was too long a delay.

**L. EXECUTIVE SESSION**

The executive session portion of these minutes is recorded under the portion of the minutes called “Executive Session”.

Supervisor Lee Caldwell made the motion and Supervisor Michael Lee seconded the motion to recess the Board meeting until April 7, 2016, at 2:00 p.m.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Michael Lee, Fifth District	<u>YES</u>

THIS the 4<sup>th</sup> day of April, 2016, these minutes have been read and approved by the DeSoto County Board of Supervisors.

\_\_\_\_\_  
Jessie Medlin, President  
DeSoto County Board of Supervisors